

MEMORANDUM

DATE: November 22, 2010
TO: Policy Committee
FROM: Jason Purse, Senior Planner
SUBJECT: Economic Opportunity Framework

I. Economic Opportunity

During the 2009 Comprehensive Plan update process, the Steering Committee, Planning Commission, and the Board of Supervisors identified and established a new land use designation, Economic Opportunity (EO). This designation was created to maximize the economic development potential of certain areas, namely the Lightfoot/Croaker area and to encourage development types that have certain qualities and characteristics identified by the Business Climate Task Force, principally that they have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support local economic stability, loyalty and diversification. As the specific designation language was constructed, there were a number of elements/themes that stood out as being the framework for any possible zoning district.

As staff starts constructing ordinance language for a new Economic Opportunity zoning district, we hope to receive guidance from the Policy Committee on these characteristics, which are being explored for inclusion in the final language. Listed below is staff's interpretation/recommendation for a framework. We seek the Policy Committee's feedback before proceeding to Stage Two, where we will construct ordinance language.

II. Discussion Items

A. Submission documents

1. Description of element
 - *The Comprehensive Plan designation for Economic Opportunity emphasizes the need for master planning efforts prior to development. The Steering Committee also had discussions about incorporating a transit oriented development design into the master planning efforts.*
2. History/Background
 - *The establishment of a master plan is paramount to the success of an Economic Opportunity zone. Many property owners need to be involved, and many aspects of the development will have an impact on multiple infrastructure networks that cross jurisdictional lines. The County also stressed the need for both economic development and workforce housing to be a part of any development in the Land Use designation description for EO, so striking a balance between the placement of limited residential development and other uses will be important to establish early on.*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *LU 3.2-Communicate with adjacent jurisdictions regarding development plans that have potential impacts on adjacent localities and public facilities. Work with them to coordinate plans and to identify and mitigate areas where there are conflicts.*

- *Land Use Description-The master plan for the area should also demonstrate appropriate variation in uses, densities/intensities, pattern, and design such that new development is compatible with the existing character of surrounding areas. If an individual landowner in lands designated EO does not wish to participate in the master planning effort, such land shall be recognized and adequate buffers provided in the master plan to protect the current use of that land.*
- 4. Solutions and policy options
 - *These may include a mechanism that requires all property owners have the ability to participate or opt-out as necessary. This should also include specific plans for transit oriented development and identification of such on a Master Plan. The Master Plan should also be specific on the location of residential development.*
- 5. Staff recommendation
 - *Staff recommends including specific information in the ordinance to require a master planning effort for the entire area designated EO, specifically one that allows owners to “opt-in” or “out-opt” and be protected by buffers if they choose to opt out. Furthermore, staff recommends including specific information about transit oriented development and residential development on the master plan, as densities and intensities of residential need to be identified during the master planning level to ensure that the adequate availability of infrastructure is provided for given the increased densities needed (and vice versa).*

B. Balance of Land Uses

1. Description of issue/problem
 - *While residential development can be an important part of a development in terms of providing households to patronize the commercial uses and accommodate workers to be employed there, it is important to James City County to maximize the land available for economic development. Providing workforce housing in EO was referenced as a necessary characteristic of the development, but the ordinance should be sensitive to not limiting the economic potential of the district by allowing too much residential. The workforce housing component is important to support new industry and the economic development in the EO designated area.*
2. History
 - *Similar to our Mixed-Use zoning district, the Economic Opportunity zone will need to allow for both commercial/industrial and residential uses. There have been concerns (from the public input forums and during the Comprehensive Plan update process) that the Mixed-Use zoning district does not provide enough certainty with respect to actually achieving a mix of uses in a development. Mixed Use is viewed by many as a means to achieve maximum density by promising positive cash flow through commercial development. That often does not occur in the manner it was initially described or proposed. In effect, the EO zone needs to ensure that residential uses truly represent a secondary use and do not limit the remainder of land from developing with the greatest economic development potential.*
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - *ED 2.3-Support the provision of mixed cost and affordable/workforce housing near employment centers and transportation hubs.*
 - *LU 1.5-Facilitate continued diversification of the local economy and maintain an adequate balance between residential and non-residential development.*
 - *Land Use Description- The principal uses and development form should maximize the economic development potential of the area...Mixed-cost housing, with a strong*

emphasis on affordable/workforce needs, may be permitted on up to 15% of developable land area.

4. Solutions and policy options

- *A balance of land uses section could include language that would limit residential units in order to maximize economic benefit to the County, but still provide workforce housing for the employees as referenced in the Comprehensive Plan. The ordinance should specifically address the Comprehensive Plan recommendation that no more than 15% of developable land be dedicated to residential development. An example of an ordinance section can be seen from the Loveland, Colorado ordinance for Economic Opportunity:*

“Balance of Land Uses: Not more than 40 percent of the land area within a development plan shall be dedicated to non-primary workplace uses. Non-primary workplace uses include hotels, retail, convenience and service uses, restaurants, child care, housing or other uses intended to support and compliment primary workplace uses. For the purposes of this requirement primary workplace uses shall include but shall not be limited to office, research or light industrial. A proposed development plan that does not meet this requirement may be permitted if within two miles of the proposed development plan, primary workplace uses exist or the zoning for such uses is in place, in an amount that is sufficient to comply with the intent of this section and meet the long term need for primary employment land uses anticipated by the City’s Comprehensive Master Plan. “

5. Staff recommendation

- *Staff recommends including specific language in the ordinance to limit the amount of non-primary workplace uses (this would limit both residential and retail commercial uses to a certain percentage of the total site area). This would ensure that a majority of the site is preserved for uses that would maximize the economic development potential of the area by providing quality jobs and supporting economic stability. However, staff will need to continue to evaluate the specific language to determine how this would affect a “mixed-use” building, as the language may not be easily translated to deal with those structures.*

C. **Tiered Residential Density**

1. Description of issue/problem

- *An existing rail line stretches the length of the Economic Opportunity area designated near Lightfoot/Croaker. The opportunity for a transit oriented development plan may be feasible in this area. Residential densities in an area with access to rail need to be higher in order to support the viability of commuter rail. A density range that can support this type of development will be necessary in the ordinance, but that density range will be higher than desired if rail is not available.*

2. History

- *Many discussions at the Steering Committee level focused on the idea of transit oriented development. While rail lines exist adjacent to the Lightfoot/Croaker area, there are no assurances that commuter rail service is viable for this area. There must be residential/employment center hubs in both this area and an adjacent locality that it would connect with. This type of development will require much regional cooperation and planning. The Hampton Roads Transit Vision Plan discusses the possible extension of commuter rail to the Pottery area, and the plan will need to be discussed during any master planning effort. The Hampton Roads Transit Vision Plan does not propose a*

definitive rail route through the Peninsula, nor does not it propose a high speed rail service, but the potential exists that this area may have some rail/express bus service in the future.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *LU 5.1.3-Permitting higher densities and more intensive development in accordance with the Land Use Map where such facilities and services are adequately provided.*
- *Land Use Description-High density residential may be permitted as a secondary use only with commitments to improved transit system infrastructure and programs (light rail, commuter rail, expanded bus service, etc.); should transit not occur, high density residential uses are strongly discouraged.*

4. Solutions and policy options

- *The ordinance could provide for a tiered density approach that would allow increased density for any development that relies on transit oriented development (TOD), or lesser densities with bus rapid transit, or even fewer with no transit oriented development. From initial research of other transit oriented developments, it appears the following table could be a starting off point for discussions on density. Staff started with the base density for the Mixed-Use district and provided tiers for both bus rapid transit and light/commuter rail based on recommendations for similarly sized localities from national studies of transit services.*

<i>Dwelling Type</i>	<i>Maximum Density</i>	<i>Maximum Density with approved Bus Rapid Transit</i>	<i>Maximum Density with approved Rail Stop</i>
Single-Family structures	4	6	12
Multi-Family structures	7	9	15
Apartments	10	12	18

5. Staff recommendation

-Staff recommends including a density range based on approved transportation infrastructure. This should include tiers based on bus rapid transit as well as light/commuter rail. The density needed to support those transportation modes is substantial, and conversely, infrastructure needs to be in place to support those densities should they be built. If transit is not available and units are developed at a rate of 18 dwelling units an acre, the road capacity may not be able to support those units without rail/other service removing trips from the surface streets.

D. **Transfer of Development Rights**

1. Description of issue/problem

- *While residential and retail/commercial developments are not primary uses of the EO designation, the inclusion of a transfer of development rights receiving area in the EO district may be achievable. The feasibility study for TDR is currently taking place, and that specific discussion will be at a later date. However, it may be necessary to consider how a TDR would be received in this district. Most TDR programs have their own ordinance, so staff does not believe any language will be required in the EO ordinance to allow a TDR.*

2. Solutions and policy options

- *The TDR study will make recommendations about the feasibility of a TDR program in James City County, and it will also make recommendations about proposed densities. If the Economic Opportunity area is chosen as a receiving area it should be anticipated that the allowed densities would need to change. This could mean that significantly higher densities may be allowed to support a TDR program.*
- 3. Staff recommendation
 - *Any TDR ordinance language should be in a separate ordinance from Economic Opportunity, so no new language needs to be inserted here. However, the densities in the table above would only be a starting point to the density ranges that would be allowed with a TDR. For instance, the “maximum” density range with no additional transit oriented development may increase from the 4-10 dwelling units an acre range. If the TDR study allows the conversion to commercial, the ordinance may need to include Floor Area Ratio (FAR) ranges both by-right and with a TDR.*

F. Construction Phasing

1. Description of issue/problem
 - *The goal of Economic Opportunity is to maximize the economic development potential of the County. Residential units, to support the area, may also be important, but are not the priority. One way of ensuring any proposed development will provide the County with the type of development that is intended in this area is to consider a construction phasing plan.*
2. History
 - *Similar concerns over construction phasing have been expressed about cases in the Mixed-Use zoning district. The York County zoning ordinance has language in their Mixed-Use zoning district that addresses construction phasing, and that model will be discussed in greater detail below.*
3. Solutions and policy options
 - *Below is an example construction phasing section taken from the Mixed-Use section of the York County, VA zoning ordinance.*

“Construction within the Major PDMU development shall be sequenced in accordance with a project build-out schedule conceived by the project developer, submitted for review as a part of the initial application, and approved by the board of supervisors. The purpose of such development schedule shall be to provide assurance to the board of supervisors that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out. As a guideline, project proposals that adhere to the following sequencing requirements will be considered consistent with the objectives of the board of supervisors:

- **Up to 20% of the residential units may be constructed prior to commencing any commercial construction; and**
- **Construction of the next 40% of the residential units shall be sequenced in conjunction with construction of at least 40% of the commercial space; and**
- **Prior to issuance of Building Permits for construction of the final 20% of the residential units at least 80% of the commercial space shall have been completed to the stage that it is ready for individual tenant fit-out and customization.”**

4. Staff recommendation

-Staff recommends considering the inclusion of a construction phasing section with the EO ordinance. Furthermore, the model York County phasing requirements could be a starting point for actual ordinance language.

G. **Complementary Design**

1. Description of issue/problem

- *Many successful industrial parks, mixed-use communities, and retail centers have a unified design. This can include pedestrian connectivity, focal open spaces, and similarly designed architectural features. A development that incorporates these design features will help to better integrate with the surrounding community, as well as create a sense of place.*

2. History

- *The current EO area is partially located along the Lightfoot Road corridor in the Norge Community Character Area. Respecting viewsheds and corridors along this area will be important to any development (as referenced in the Comprehensive Plan).*

3. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *Land Use Description-Development should be designed to encourage trips by alternative transportation modes and should be concentrated on portions of the site to avoid sensitive environmental features and respect viewsheds from historic and Community Character areas and corridors.*
- *LU 2.1-Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities to effectively connect buildings and activities within individual sites.*
- *CC 3.8-Design streets in commercial/retail centers and residential areas to better encourage street-level activity and a safe and attractive pedestrian environment by encouraging the use of tools such as traffic calming, pedestrian-scale amenities, gathering spaces, pedestrian plazas, street trees, pocket parks, and consolidated entrances with fewer curb cuts. Develop voluntary guidelines that can be used through the special use permit or rezoning process.*

4. Solutions and policy options

- *Complementary design can be incorporated into the ordinance to promote an integrated design with similar architecture, focal open spaces, and pedestrian connectivity as encouraged during the development of the Comprehensive Plan. Additional examples were present in the Loveland, Colorado zoning ordinance:*

“Campus-Type Character: E-Employment Center Districts are intended to have a ‘campus-type’ character with strong unifying design elements meeting the following standards:

1. Unified Building Design: Building design shall be coordinated with regard to color, materials, architectural form and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest.

2. Unified Open Space: Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities and convenience shopping centers). The development plan shall utilize open space and natural features that serve as buffers

and transitions to adjacent area(s). Development plans shall include at least 20 percent of the gross site area devoted to common open space features, including features such as common area landscaped buffers, parks or plaza spaces, entrance treatments, natural areas, or wetlands, but excluding any open space or landscaped areas within required building setbacks or parking lots. Areas dedicated to storm water drainage may also be counted toward meeting the open space requirement, provided they are designed to be recreation space or as an attractive site feature incorporating a naturalistic shape and/or landscaping.

3. Other Unifying Features: Major project entry points shall include well designed signage and entry features such as quality identity signage, sculpture, plazas, special landscape clusters, etc. The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening. Shared vehicular and pedestrian access, shared parking, common open space and related amenities should be integrated into the project's design. The overall design and layout shall be compatible with the existing and developing character of the neighboring area.

4. Viewshed Protection: Care shall be taken to minimize disruptions to adjacent neighborhood views of open spaces or natural features through the sensitive location and design of structures and associated improvements. Visual impacts can be reduced and better view protection provided through careful building placement and consideration of building heights, building bulk, and separations between buildings.

5. Unified Design Agreement: In the case of multiple parcel ownerships, an applicant shall make reasonable attempts to enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses consistent with the standards in this section."

5. Staff recommendation

- *Staff recommends considering the inclusion of complementary design elements such as pedestrian connectivity, unified open space design, and coordinated building design with regard to color, materials, architectural form and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.*

H. **Use list and setbacks**

1. Description of issue/problem

There are various sections of the EO ordinance that will be similar to existing zoning district requirements. These include setbacks, open space requirements, the use list (permitted and specially permitted), and the height limit section. Staff has reviewed the Mixed-Use section as a starting point for these sections. The use list from Mixed-Use includes many of the types of uses that are expected in EO. These include light industrial, research and technology, and commercial uses that serve as the primary uses in EO. The Mixed-Use list also includes residential uses and supportive retail uses for those areas. Furthermore, the setback and height limit sections of Mixed-Use provide a standard with respect to perimeter buffers and heights of buildings to protect viewsheds, but also provide the flexibility to achieve waivers if the development plan meets certain requirements.

2. Solutions and policy options and staff recommendation

- *With the controls of the master planning process, the legislative process for any lands being zoned Economic Opportunity, and the newly proposed requirements staff has presented in this memo, the Economic Opportunity ordinance will provide more assurances and predictability than the current Mixed-Use ordinance. However, there are a number of important sections to consider for inclusion from the Mixed-Use ordinance. These sections also provide certain standards and requirements, but also allow flexibility to meet the needs of a new zoning district with lots of complex needs.*

Staff recommends starting with the use lists, setback, yard, and perimeter buffer requirements, height limit, and open space requirements from the Mixed-Use ordinance. Staff will then tailor those sections to emphasize those uses that are significant employment generators so the list is tailored to the intent of the Comprehensive Plan, and the other sections allow for the developability of land consistent with those uses. Staff also recommends maintaining the 60 foot building height limit (with provisions for an increase to the maximum height with a height waiver). Staff also recommends maintaining a perimeter buffer of at least 50 feet, but limiting possible internal buffers (i.e. any buffers from an extended Mooretown Road).

III. Conclusion

The discussion topics addressed above represent some of the salient points discussed during the creation of the Economic Opportunity Comprehensive Plan land use designation. Staff reviewed a number of zoning ordinance from across the country, including New Kent, VA, Portsmouth, VA, York County, VA, Loveland, CO; Canton, MA; Catawba, NC; McKinney, TX; Nassau, FL; St. Petersburg, FL; and various transit oriented development ordinances and documents. Staff has provided links to their ordinances online for your reference at the end of this document.

Staff has narrowed down the list of topics to those that need to be discussed for possible inclusion in a newly created EO ordinance. Staff is ready to pursue creating a draft ordinance for this district, but is seeking guidance from the Policy Committee on this framework or other considerations during that drafting.

Locality Ordinances

Canton (Massachusetts), Town of. 2009. *Zoning By-Law*. Article 5. Section 5.6. Canton Center Economic Opportunity District By-law. Available at http://www.town.canton.ma.us/PDF_files/Zoning-Bylaw.pdf.

- Mixed-use employment center district that encourages traditional village-style development patterns and the provision of workforce housing.

Catawba (North Carolina), County of. 2010. *Code of Ordinances*. Chapter 44. Unified Development Ordinance. Article IV. Zoning Districts. Division 4. Special Districts. Section 44-446. 321-Economic Development District. Available at <http://municode.com/Library/clientCodePage.aspx?clientID=846>.

- This special mixed-use district was adopted to implement a corridor plan for an area targeted for additional industrial/office growth.
- Permitted residential densities increase as parcel size increases (graduated density zoning).

Loveland (Colorado), City of. 2009. *Municipal Code*. Title 18. Zoning. Chapter 18.30. E District—Employment Center District. Available at <http://www.ci.loveland.co.us/cityclerks/municipalcode/Title18.pdf>.

- “The E - Employment Center District is a mixed-use district intended to provide locations for a variety of workplaces and commercial uses, including light industrial, research and development, offices, institutions, commercial services and housing. This district is intended to encourage the development of planned office and business parks; promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, streetscapes, lodging and other complementary uses.” (Section 18.30.010)
- “Not more than 40 percent of the land area within a development plan shall be dedicated to non-primary workplace uses.” (Section 18.30.040)

McKinney (Texas), City of. 2010. *Code of Ordinances*. Subpart B. Development Regulations. Article III. District Regulations. Section 146-99. REC Regional Employment Center District Overlay. Available at <http://library.municode.com/index.aspx?clientId=14250&stateId=43&stateName=Texas>.

- Mixed-use employment center district that emphasizes pedestrian-friendly design.
- Development and design standards for the district available at http://www.developmentexcellence.com/tools/docs/McKinney/McKinney_REC_Overlay.pdf.
 - “The purpose of these standards and guidelines is to allow for the development of fully integrated pedestrian-oriented neighborhoods, corridors and districts in the REC. The intent is to minimize traffic congestion, relative infrastructure costs, and environmental degradation while improving quality of life and promoting the health, safety and welfare of neighborhood communities.”

Nassau (Florida), County of. 2010. *Code of Laws and Ordinances*. Appendix A. Land Development Code. Ordinance No. 97-19. Nassau County, FL. Article 26. Mixed Employment Center. Available at <http://municode.com/Library/clientCodePage.aspx?clientId=7009>

- Mixed employment center zoning is used to facilitate creative and efficient use of land.
- A commercial mixed employment center will be 35-45% residential.

New Kent (Virginia), County of. 2009. *County Code*. Chapter 98. Zoning. Article XV. Economic Opportunity District. Available at http://library1.municode.com/default-test/home.htm?infobase=13371&doc_action=whatsnew.

- District to encourage mixed-use employment centers. Contains very minimal development standards. Multifamily residential uses are permitted conditionally.

Portsmouth (Virginia), City of. 2009. *Code of Ordinances*. Chapter 40. Zoning. Article III. Zoning Districts. Division 5. Mixed Use Districts. <http://www.municode.com/Library/clientCodePage.aspx?clientId=3947>.

- Caps residential component at 25%.

St. Petersburg (Florida), City of. 2010. *City Code*. Chapter 16. Land Development Regulations. Section 16.20.130. Employment Center District. Available at <http://municode.com/Library/clientCodePage.aspx?clientId=4477>.

ATTACHMENTS:

1. Minutes from the Public Forum hearings
2. Attachments from the Public Forum hearings

ATTACHMENT 1

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE TWENTY FOURTH DAY OF AUGUST, TWO-THOUSAND AND TEN, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Reese Peck
Jack Fraley
Al Woods
Rich Krapf
Tim O'Connor
Mike Maddocks

Staff Present:

Allen Murphy, Director of Planning/
Assistant Development Manager
Tammy Rosario, Principal Planner
Christopher Johnson, Principal Planner
Jennifer VanDyke, Administrator Services
Coordinator
Jason Purse, Senior Planner
Scott Whyte, Senior Landscape Planner
Jose Ribiero, Senior Planner

Absent:

Joe Poole

Mr. Reese Peck called the meeting to order at 6:30 p.m.

Mr. Peck welcomed everyone in the audience and explained that this evening's meeting is one of the first for the Zoning and Subdivision Ordinance update. In this meeting the public will have the opportunity to speak on Commercial and Mixed Use districts, development standards (including Wireless Communication Facilities [WCF's]), and procedural descriptions, submittal requirements and administrative items.

COMMERCIAL AND MIXED USE DISTRICTS

Mr. Tom Tingle, representing the Economic Development Authority (EDA), spoke regarding his submitted comments on greater predictability for businesses, industrial park design standards, the Economic Opportunity designation, and incentives for green commercial design. (See attachment #1)

Mr. Jack Fraley asked Mr. Tingle if he had identified specific uses that currently require a Special Use Permit (SUP) that should become by-right.

Mr. Tingle stated that he has identified such uses, and that he would provide a listing.

Mr. Rich Costello, representing AES, spoke regarding his submitted comments. He recommended more by-right uses within Commercial and Mixed Use districts. (See attachment #2)

Mr. Mark Rinaldi, 4029 Ironbound Road, spoke regarding his submitted comments and recommendations, including the creation of a new technology district, strategies to encourage redevelopment and the creation of sending and receiving zones. (See attachment #3)

Mr. Craig Metcalfe, representing the James City County Citizens Coalition (J4C), spoke regarding his submitted comments on the creation of the Economic Opportunity district and recommended changes to the Mixed Use district. (See attachment #4)

Mr. Dick Schreiber, President of the Greater Williamsburg Chamber and Tourism Alliance, spoke regarding his submitted comments on the Economic Opportunity designation, and the need for a collaborative effort on those properties adjoining other jurisdictions. (See attachment #5)

Ms. Susan Gaston, representing the Williamsburg Area Association of Realtors, spoke regarding her submitted comments on workforce housing, infill development and redevelopment. (See attachment #6)

Mr. Fraley asked Ms. Gaston if she could provide specific language that the Planning Commission should consider for the ordinance.

Ms. Gaston stated she would.

ATTACHMENT 2

**Remarks of the James City County Economic Development Authority
To the James City County 2010 Zoning and Subdivision Ordinance Update Forum
In the Matter of: Commercial and Mixed Use Districts – Special Use Permit Requirements & Economic
Opportunity Designation**

Thomas G. Tingle, Chair

August 24, 2010

The Economic Development Authority supports your efforts to update the Zoning and Subdivision Ordinances to reflect the adopted Comprehensive Plan. There are some excellent strategies recommended by the Comp Plan, and we urge you to “do the heavy lifting” that it takes to incorporate these recommendations into the ordinances.

There are several areas that we ask you to focus on as you move through the update process.

1. Special Use Permits

The EDA is pleased to learn that staff has already begun the process of reviewing the criteria for Special Use Permits. It is our hope that this threshold review and analysis will include discussions regarding the types of performance standards that will be needed to ensure community compatibility and acceptance, while improving predictability by allowing more by-right business and industrial uses.

The types of businesses we want in James City County are also very much sought after by other localities. When faced with a choice between two jurisdictions of equal merit, businesses look at the predictability of getting their business open and operating in a reasonable time, at a reasonable cost and with the least unexpected interference and risk. As it stands presently, many desirable business uses require a Special Use Permit, which runs contrary to the business concept of moving nimbly and quickly to seize an opportunity.

The success of this initiative will not be measured by the number of business uses that will no longer require SUPs; rather, the ultimate success of this initiative will be judged by the quality of performance standards established for each use type so that prospective businesses can know the rules of engagement prior to pursuing an opportunity. And affected stakeholders can enjoy the certainty of knowing what can and cannot be constructed on a particular property, under what circumstances and under what conditions.

2. Development Standards

It is imperative that the County not compromise its economic development efforts by placing unreasonable expectations on businesses and on properties designated for office and industrial use.

Specifically, the ordinance changes should recognize the uniqueness of industrial parks within Community Character Corridors. Additionally, environmental concerns must be carefully balanced with economic development concerns, so as to not unreasonably hinder the efforts of the County to diversify its economic base.

3. Economic Opportunity Areas

One of the primary recommendations from the County’s Business Climate Task Force was to identify, preserve and “land bank” key sites for future economic development opportunities. The

Comprehensive Plan Steering Committee acted on this recommendation by designating a large area of land in the Lightfoot area as Economic Opportunity (EO). Originally proposed as a Mixed Use area, the

Steering Committee set the bar higher for this land by defining its use primarily for economic development, increased non-residential tax base and the creation of jobs. This land is at a strategic location within the county, relative to transportation, utilities infrastructure and adjacent uses. The EO concept needs to move forward, with a process that encourages public/private area master planning and the extension of Mooretown Road.

4. Green Building Initiatives

The EDA commends the efforts of the County’s Green Building Design Roundtable, and supports the use of incentives, education and County leadership in Green building design, in order to stimulate the private sector to invest in green and sustainable development. However, requiring Green design standards such as LEED and EarthCraft for buildings of a certain size will discourage economic development, and put James City County at a

competitive disadvantage with other jurisdictions. We will not end up with more green buildings through mandates; we will chase away desirable businesses. As the Roundtable Committee's summary states, *"the best approach for a ... Green Building Program is to encourage, rather than mandate."*

In summary, we believe that, through a collaborative effort, there is an opportunity for successfully modifying the present ordinances in a manner that will afford existing and prospective businesses predictability without compromising the character of James City County, while enhancing opportunities for much needed economic development. The EDA and its directors stand ready to help you throughout the process.